



**SENATE BILL 99:
Appropriations Act of 2018, Sec. 18A.3:
Opt-Out/Uniform Fee Schedule IDS Pilot Project**

2017-2018 General Assembly

Committee:		Date:	August 6, 2018
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	Sec. 18A.3 of S.L. 2018-5		

OVERVIEW: *Sec. 18A.3 of S.L. 2018-5 permits the Administrative Office of the Court, in consultation with the Office of Indigent Defense Services, to grant a written request by the chief district judge of a county to withdraw that county from participating in all or some portions of the pilot project establishing a uniform fee schedule for payment of attorneys' fees for indigent legal representation.*

This section became effective July 1, 2018.

CURRENT LAW: Sec. 19A.4 of S.L. 2016-94 directed the Administrative Office of the Courts (AOC), in conjunction with the Office of Indigent Defense Services (IDS) and certain judicial districts, to develop and implement a pilot project to create a uniform fee schedule for the payment of attorney fees for the representation of indigent persons in district court. AOC and IDS were also directed to select one or more counties in at least six judicial districts to participate in the project and were required to report on the results of the project to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by March 15, 2018.

BILL ANALYSIS: Sec. 18A.3 of the act provides that the chief district judge of a county selected to participate in the uniform fee schedule pilot project for providing indigent defense services may make a written request to withdraw the county from participating in all or some portions of the pilot project, and that AOC in consultation with IDS may grant the request. In addition, this section of the act provides that if the county withdraws completely from the pilot program, AOC in consultation with IDS may select another county having a similar caseload to participate in the pilot program.

EFFECTIVE DATE: This section of the act became effective July 1, 2018.

BACKGROUND: This section implements the recommendation set forth in the March 15, 2018, report submitted by IDS to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety ("[Report on Model Fee Schedule](#)"), that a county be permitted to opt out of the pilot project in order to protect the constitutional right to effective assistance of counsel from the risk that that participation in the pilot project results in a significant decline in the number of attorneys willing to provide indigent defense services in that county.

Staff attorney Jennifer Bedford substantially contributed to this summary.

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